

CITY OF DALLAS PLANNING COMMISSION STAFF REPORT



MEETING DATE: JUNE 9, 2020
REPORT DATE: JUNE 2, 2020
TOPIC: JENRAE PROPERTIES COMPREHENSIVE PLAN AND ZONING
MAP AMENDMENTS – CASE FILES CPA-20-01 AND ZC-20-01

Application Type: Quasi-Judicial Comprehensive Plan Map Amendment
(CPA), Quasi-Judicial Zoning Map Amendment (ZMA)
Owner / Applicant: JENRAE Properties LLC / Chris & Jeanne Edwardson
**Applicant's
Representative:** Trahan Consulting, LLC, Andrew H, Stamp
Location: 492 SE Mill Street / 365 SE Academy Street

RECOMMENDED ACTION

Recommend to the City Council that they: 1) approve the Quasi-Judicial (Q-J) land use Comprehensive Plan and Zoning Map amendments as proposed; and, 2) deny relocation of the Creek Trail map designation as proposed. See Recommended Motions on page 16 of this report.

BACKGROUND INFORMATION

Zoning: Current zone: Industrial (I)
Proposed zone: Residential Medium Density (RM)
Comprehensive Plan Map: Current designation: Industrial
Proposed designation: Residential
Site also shown to contain a portion of the Creek Trail as depicted on the Dallas Comprehensive Plan Map.
Floodplain: Portions of property are within the 100-year floodplain though recent Letter of Map Amendment (LOMA) has been received.
Adjacent Land Uses: Industrial (east); Residential (west, north, south); Creek (north)
Prior Land Use Approvals: 2018 - Property Line Adjustment #PLA-18-05

APPLICATION OVERVIEW

The Planning Commission is to consider two Q-J Map Amendment proposals (CPA and ZMA) subject to a concurrent public hearing process. Both Q-J Map Amendment proposals are described in the applicant's written statement prepared by Trahan Consulting, LLC, dated March 18, 2020 (Exhibit A-1).

Staff notes that the applicant's CPA proposal contains two components: 1) a land use map amendment from Industrial to Residential, and 2) a change in the current location where the same Comprehensive Plan Map shows a Creek Trail designation. Both Q-J Map Amendment proposals are summarized as follows:

1. Case File CPA 20-01: Amend the Dallas Comprehensive Plan Map designation from Industrial to Residential specific to one property identified as Tax Lot 14900 on Polk County Tax Assessor's Map No. 7-5-33BC; and amend the Dallas Comprehensive Plan Map to relocate the Rickreall Creek Trail away from creek to an alternate location, depicted on the applicant's Concept Plan (Exhibit A-8). The Creek Trail Map amendment proposal applies to the Tax Lot mentioned above (14900) and the Tax Lot located to the north (T.L. 100) on Polk County Tax Assessor's Map No. 7-5-33BC.
2. Case File ZC 20-01: Amend the Dallas Zoning Map from Industrial (I) to Residential Medium Density (RM) specific to the same property (Tax Lot 14900).

APPROVAL CRITERIA:

Both Q-J Map Amendment proposals are subject to approval criteria identified in Section 4.7.030.B. of the Dallas Development Code, titled "*Criteria for Quasi-Judicial Amendments.*" According to Section 4.7.030.A, Quasi-Judicial district map amendments and application of master planned development overlay zones to individual properties shall follow the Type III procedure, as governed by Section 4.1.040, using standards of approval in Section 4.7.030.B.

Section 4.7.030.A, also explains how the Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications. Accordingly, the Planning Commission's recommendation is to be forwarded to the City Council for a decision.

Approval criteria in Section 4.7.030.B. are as follows:

1. *Approval of the request is consistent with the Statewide Planning Goals.*
2. *Approval of the request is consistent with the Comprehensive Plan.*
3. *The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and*
4. *The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and*
5. *The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.*

The applicant's response to these criteria are provided in the document prepared by Trahan Consulting, LLC, dated March 18, 2020.

Staff findings in response to the applicable approval criteria are provided herein.

CRITERION:

DDC 4.7.030.B.1: Approval of the request is consistent with the Statewide Planning Goals.

Finding: Oregon has 19 Statewide Planning Goals. Certain goals do not apply in consideration of this proposal. The applicant's narrative identifies and responds to Goals 1, 2, 5, 6, 7, 8, 9, 10, 11 and 12. Staff observes how Goal 9 (Economy) and Goal 10 (Housing) are particularly relevant in response to the applicant's land use Q-J map amendment proposal. Accordingly, focus of the staff analysis is to findings that respond to Goals 9 and 10.

Goal 9 – Economic Development: Staff refer to page 10 of the applicant's narrative that identified the purpose of Goal 9. Staff observe how Goal 9 requires cities in develop Comprehensive Plans that inventory areas suitable for increased economic growth and activity. In part, the applicant's response to Goal 9 identifies the year in which the city conducted the last inventory of industrial land supply (1998). The applicant also acknowledges how the inventory of 1998 identified a shortage of at least 56 buildable industrial acres to meet the need identified at the time, which was forecasted to the year 2020.

Staff also note how the applicant's narrative accounts for a large expansion of the Urban Growth Boundary (UGB) in concert with a CPA map amendment that occurred in 2004. Specifically, the applicant explains how 62 acres of buildable industrial lands were added to the city inventory through UGB expansion / CPA. Staff notes that some of these areas remain outside the current city limits but are located within the UGB and have been planned for Industrial as shown to the Dallas Comprehensive Plan Land Use Map. According to the applicant, the 2004 UGB expansion identified a shortfall of 56 buildable acres of industrial land to meet employment needs and added 62 buildable acres, which is six more acres than targeted. The applicant explains how the subject property is 6.16 acres (in total) and will have approximately 4.87 acres of RM zoned property.

Staff notes that the city-wide six acre surplus of industrial land, identified via UGB expansion in 2004, did not update the inventory numbers conducted in 1998 via Economic Opportunities Analysis (EOA). Additionally staff notes that the six acre surplus of industrial land was subsequently reduced to 2.2 acres in April 2017, when the city approved the Q-J CPA for Valley Life Center (case file #CPA-17-01). As part CPA 17-01, the city approved 3.8 acres land that had been planned for Industrial to Residential, thereby reducing the citywide surplus of Industrial planned land that had been identified from the UGB expansion from 2004 to 2.2 acres.

Staff also observe how the subject property of this CPA / ZMA application includes 4.87 of net buildable industrial land that is now proposed for residential. At the time when the city received this CPA / ZMA application, the subject site contained a net buildable area of approximately 2.37 acres. Staff observe a substantial portion of the property that had been encumbered by the 100-year floodplain. For the purposes of buildable land analysis, rules identified in Oregon Administrative Rules (OAR) Division 660 (for conducting EOA) allow the

floodplain area to be subtracted from inventory analysis. Accordingly, in subtracting the floodplain area from the subject property, there is 2.37 net acres that would be changed from Industrial to Residential, after which there would be a citywide deficit of 0.17 acres.

It should be noted that the applicant recently received a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA) in response to their request for removing the 100-year floodplain from the subject site. The LOMA is provided as an exhibit to this report (Exhibit A-6). As explained further in this report, removing the 100-year floodplain from the property helps to address a policy that is identified in Chapter 3 (Housing) of the Comprehensive Plan, specific to the location of residential neighborhoods in proximity to identified river, stream corridors wetlands and flood hazards.

As the subject property is greater than two acres in size, staff observe the relevancy of a rule contained in OAR 660-009-0010(4) that requires the city to either demonstrate how the proposed amendment is consistent with the most recent EOA and Comprehensive Plan that provides for a 20 year supply of employment land, and/or amend the Comprehensive Plan to incorporate the proposed amendment consistent with the rule in OAR 660-009-0010, or adopt a combination of the above.

At this time, the city is currently in the process of preparing a new EOA that will evaluate the supply of employment lands for the next 20 years. This new analysis expected to include all properties inside the Dallas UGB with "Industrial" and "Commercial" land use map designations. To date, new analysis is underway has not been a matter of consideration before the Planning Commission or City Council. The new EOA, after adoption, must then be acknowledged by the Department of Land Conservation and Development (DLCD). Accordingly, following the rule in OAR 660-009-0010(4), the applicant's CPA proposal must conform to the EOA acknowledged by the DLCD which dates back to the year 1998.

Staff notes that the applicant's map amendment proposal will be subject to Post Amendment Plan Approval (PAPA) via the DLCD, if approved by City Council. Through PAPA, DLCD typically evaluates how the city responded to the rule under OAR 660-009-0010(4). On December 21, 2018, staff received a letter from DLCD which responds to the applicant's first CPA proposal under a separate case file which expired. While the applicant's resubmitted CPA / ZMA applications are substantially similar to the CPA / ZMA applications sought in 2018, the DLCD letter of 2018 refers to different case files. For this reason, the DLCD letter of 2018 is not considered part of the current land use record. To date, staff has not received subsequent correspondence from DLCD in response to the applicant's active CPA / ZMA applications.

In part, the applicant's narrative response to OAR 660-009-0010(4) (on page 13) explains how the subject property is not an appropriate location for an expanded industrial use due to the steep topography change from where the current industrial development is sited (south along Mill Street) and the northerly portion of the subject property abutting residential uses on three sides. Staff concur with the applicant's analysis with respect to physical challenges of the site. However, staff is uncertain as to the connection provided to OAR 660-009-0010(4).

It should be noted that following the UGB expansion of 2004, the impacts of the great recession remain apparent and certain properties that were likely identified as developed in 1998 (as part of the past EOA) are expected to be shown as vacant in the new EOA anticipated for 2020. Of significance is the closing of the lumber mill (2008) and subsequent removal buildings from this site. Applying the math from the last city approved Q-J CPA map amendment in 2017 (Valley Life Center) adding the Dallas Mill site (estimated at 50 + acres) to the list of vacant properties, creates a surplus of Industrial land. In part, the applicant's narrative response to Goal 9 explains how the rezoning of this property has a negligible impact on the overall available inventory of Industrial zoned property and associated employment opportunities. Staff concurs.

Goal 10 – Housing: Staff refer to page 11 of the applicant's narrative that identified the purpose of Goal 10. Staff also observe how this goal requires cities to encourage availability of adequate numbers of needed housing units at prices commensurate with the financial capabilities of Oregon households and allow flexibility of location, type, and density.

The city has recently adopted a new Housing Needs Analysis (HNA) which evaluated the supply of needed residential land, and found a deficit of 22 acres or medium-density residential land. However, the new HNA has yet to be acknowledged by the DLCD (to date). Accordingly, the HNA of 1998 is to be considered for this CPA / ZMA application. Staff observe data from the HNA of 1998 to show the number of forecasted dwelling units (supply and demand) generally divided between Single-Family and Multi-Family, with no separate figures shown for middle housing. From the 1998 HNA it was projected that the city would need 78 acres of multi-family land through 2020. To fulfill this need, the comprehensive plan (in 1998) designated 72 acres of multi-family land, principally in the mixed-use nodes, resulting in a surplus of 16 acres of multi-family land citywide. This was increased by 3.1 acres in 2017 by the Q-J CPA (CPA-17-01 – Valley Life Center) resulting in a citywide surplus of 19.1 acres.

Staff note that since 1998, much of the land that was re-designated as multi-family in the Wyatt and LaCreole mixed-nodes remain undeveloped, constrained by slopes, wetlands, and a lack of streets and utilities, while available multi-family land outside the mixed-use nodes has been largely exhausted. Analysis of data from CPA-17-01 (Valley Life Center) also shows only five multi-family zoned parcels, totaling 1.51 acres, the largest only 0.56 acres in size, which are vacant and do not have pending development approvals.

As the HNA from 1998 does not separate multi-family residential units from middle-housing (or High Density Residential from Medium Density Residential as the 2019 HNA describes) it is difficult for staff to discern these numbers in evaluating the applicant's proposal. If the HNA from 2019 were relevant, the inventory would show a one acre deficit for High Density Residential and a 22 acre deficit for Medium Residential. In part, the HNA of 2019 also describes the implementation strategy for rezoning certain surplus Low Residential properties to the RM zone. In evaluating the physical characteristics of the subject property, staff observe the north portion to provide an appropriate transition to existing residential uses located to the north, south and west. Staff also observes these properties to be zoned RM.

Goal 11 – Public Facilities: This goal requires cities to plan and develop a timely, orderly and efficient arrangement of public facilities and services. Staff finds that, with appropriate site improvements at time of development, the public facilities will have adequate capacity to serve a development of the subject property. For more information, staff refer to response to Dallas Development Code (DDC) Section 4.7.030.B.3. on page 13 of this report.

Goal 12 – Transportation: This goal requires cities to provide and encourage a safe, convenient, and economic transportation system and to coordinate land use and transportation planning. Goal 12 is implemented by the Transportation Planning Rule (TPR) which requires cities to evaluate whether proposed plan amendments and zone changes are consistent with adopted land use and transportation plans, to ensure the transportation system can accommodate the development.

The applicant has provided a traffic analysis comparing the travel demands of a single-family residential development of the property with the travel demands of industrial uses projected in the Dallas Transportation System Plan (TSP). The provided analysis shows that a single-family residential development would not generate more trips than would be expected from an industrial development, and staff concurs that the proposal would not have a significant impact on the functional classification of the roadways or reduce the performance of the roadways. For this reason, staff finds the Transportation Planning Rule is satisfied.

Conclusion: Based on the above information, staff concludes that the applicant's proposed land use amendment (from Industrial to Residential) is consistent with applicable statewide planning goals, and that this criterion is therefore satisfied.

CRITERION:

DDC 4.7.030.B.2: Approval of the request is consistent with the Comprehensive Plan.

Finding: The Dallas Comprehensive Plan designations for the subject properties includes Industrial (Tax Lot 14900), Residential (Tax Lot 100), and Creek Trail (applicable to both Tax Lots). There are a number of Comprehensive Plan policies applicable to the combined application proposal. The applicant's narrative identifies and responds to several policies (pages 14 through 22 of the narrative). Below are relevant policies with the staff findings that follow.

Comprehensive Plan Chapter 2 – A Sustainable Dallas Economy:

Staff note that most policies identified in Chapter 2 do not apply to development of specific properties, but rather the general economic development of the city as a whole. However, one policy is directly relatable to individual properties, and is addressed below.

Policy 2.3.1 - Preserve prime industrial sites and reserve suitable land to provide a choice among sites for new industrial development prior to actual demand.

Finding: For land use planning purposes, the term "Prime Industrial" is defined in OAR-660-009-0005(8), key factors for which are "land suited for traded-sector industries" which have

“site characteristics that are difficult or impossible to replicate” and access to “transportation and freight infrastructure.” The subject property does not have unique site characteristics which are not replicated elsewhere within the city. Staff observe other industrially planned / zoned parcels within the UGB that are larger and more suitable for most traded-sector industries. Therefore, staff concurs with the applicant’s findings that the subject property is not “Prime Industrial” as described by the rule. Staff also finds that CPA / ZMA proposal is specific to one property that is somewhat small in size and surrounded by existing residential on three sides. In response to the Policy 2.3.1, staff finds that removal of the subject property from industrial planned / zoned properties will continue to provide a choice among sites for new industrial development prior to actual demand.

Comprehensive Plan Chapter 3 – Livable Residential Neighborhoods:

Staff note that policies identified under the title of 3.1 *Location & Design Policies* must be explicitly considered when reviewing annexation, zone change and quasi-judicial development applications. Policies under 3.1 (1-9 are identified below) with staff findings in response. It should also be noted that policies identified under 3.1.1 have been modified by adoption of the HNA (2019) earlier this year. As the HNA of 2019 has yet to receive PAPA from the state, policies of the Comprehensive Plan that predate adoption of the HNA are applicable in this case. Also, for the record, the city received the applicant’s current CPA / ZMA applications prior to City Council adoption of the Ordinance approving the 2019 HNA. Accordingly, prior plan policies apply for this reason as well.

Policy 3.1.1 - Each residential neighborhood shall be located within 1.5 miles of planned general or neighborhood commercial development.

Finding: Staff finds that the property is in close proximity to the Central Business District and within 1.5 miles of the nearest property zoned General Commercial.

Policy 3.1.2 - Each residential neighborhood shall be served by a grid street system, which minimizes the use of cul-de-sacs, double frontage lots and walled subdivisions.

Finding: Staff notes that this policy is partially implemented by the street and subdivision standards of Dallas Development Code Chapter 3.4 and 4.3. Design of the local street system will be subject to these standards at time of development review in the future upon consideration of a future applications (TBD). Additionally, staff notes that plans for developing the subject property are not the subject of this CPA / ZMA proposal. Staff observe how the applicant’s materials for CPA / ZMA include a “conceptual plan” that depicts how the subject property might be developed in future. For the purpose of satisfying Policy 3.1.2, staff finds that site can be served by the existing grid system of streets located west of the subject property.

Policy 3.1.3 - Each residential neighborhood shall provide its fair share of multi-family housing, consistent with Residential Policy 3.2.

Finding: The applicant is requesting RM zoning for the property, which allows multi-family housing at 6-12 dwellings per net acre.

Policy 3.1.4 – Land planned for multi-family housing shall be located adjacent to planned commercial areas or along arterial and collector streets, and shall be reserved exclusively for that purpose.

Finding: Staff finds that the subject property is in close proximity to commercial areas and arterial and collector streets, and the subject property would be a logical extension of the RM zone that applies to abutting properties (north and west). Staff observe the policy to be more so intended for consideration High Density Residential which is not proposed.

Policy 3.1.5 – Pedestrian and bicycle access shall be provided between commercial, open-space, and residential uses in all new development.

Finding: Staff notes that the extension of the Rickreall Creek Trail would provide a largely car-free pedestrian and bicycle routes east to Roger Jordan Park, Dallas High School, and LaCreole Middle School, while extension of the street network into the site provides pedestrian and bicycle access to the downtown commercial core.

Policy 3.1.6 – Public or private park land shall be provided in proportion to residential development and in accordance with Chapter 4.5 (Level of Service).

Finding: The Comprehensive Plan map, Parks Master Plan, and Transportation System Plan identify an extension of the Rickreall Creek Trail across the property. Staff notes that the Dallas Development Code requires all subdivisions to reserve a minimum of 6% of the gross area as parks and open space, while multi-family developments are required to reserve 15% of gross area. For the purpose of satisfying Policy 3.1.6, staff finds that site can be subsequently developed to meet current Development Code standards, where applicable and that these standards are subject to consideration when a Limited Land Use application (e.g. Preliminary Subdivision) is brought before the Planning Commission in the future.

Policy 3.1.7 – Identified river and stream corridors, wetlands, flood hazard, steep hillsides and slide hazard areas where building would be hazardous shall be considered unbuildable, and shall be used to define neighborhood boundaries.

Finding: The subject property contains identified river and stream corridors (Rickreall Creek), as well as substantial flood hazard areas as mapped by the Federal Emergency Management Agency (FEMA) in the city's last Flood Insurance Study of December 2006.

Staff identified policy 3.1.7 (above) as a matter of key consideration in review of the applicant's first CPA / ZMA proposal (in 2018). In submitting the subsequent CPA / ZMA application, the applicant verbally explain to staff how the 100-year floodplain map applied to the subject property was incorrect. On May 28, 2020, the applicant submitted a Letter of Map Amendment (LOMA) approved by FEMA with supporting documentation from a hydraulic engineer that shows the majority of the property area to be removed from the regulatory floodplain. As such, staff concur with the applicant that the majority of the property is not within the 100-year floodplain.

For the purpose of satisfying Policy 3.1.7, staff finds that site can be subsequently developed to portions of the property that are situated away from identified river and stream corridors and the floodway. Staff also observe how the Dallas Development Code includes provisions that address resource protection (e.g. building setbacks from top of creek bank) that can help ensure this policy is met during development. It should be noted that recreational trails are allowed with the floodway that applies to the subject property.

Policy 3.1.8 – High-density residential zoning shall be limited to the area immediately adjacent to the Central Business District and neighborhood shopping centers.

Finding: Staff notes that the proposal is for Medium-Density, so this policy does not apply

Policy 3.1.9 – Redevelopment of the second and third stories of buildings in the Central Business District for residential and commercial uses shall be encouraged.

Finding: Staff notes that the property is not with the Central Business District, so this policy does not apply.

Policies under 3.3. - Phasing & Adequate Public Facilities.

Staff note that policies identified under the title of 3.3 do not need to be explicitly considered when reviewing annexation, zone change and quasi-judicial development applications. Policies under 3.3 have also been modified by adoption of the HNA (2019) earlier this year. Under this title, staff observe two policies (2 and 3 below) to be relevant in response to the applicant's CPA / ZMA applications.

Policy 3.3.2 – The development of close-in vacant land, readily serviceable by a full range of urban services shall have a higher priority than development of peripheral land that cannot be provided, efficiently, with a full range of urban services.

Finding: The subject property is closer to the Central Business District than many other vacant properties, and is readily serviceable by water and sewer services. Therefore, staff concur that higher priority should be assigned to development of the subject property, consistent with this policy.

Policy 3.3.3 – Vacant land within the current City limits shall have a higher priority than unincorporated areas.

Finding: The subject property is vacant land within the current City limits.

Comprehensive Plan Chapter 4 – Parks and Open Space:

Staff notes that policies identified under Chapter 4 must be explicitly considered when reviewing annexation, zone change and quasi-judicial development applications. Staff also notes that policies under Chapter 4 have not been modified by adoption of the HNA (2019) earlier this year. Below are policies found to be relevant in response to the applicant's proposal.

Policies under 4.1. – Natural, Scenic and Historic Resource Policies.

Policy 4.1.1 – A riparian buffer shall be established and protected along Rickreall and Ash Creeks, as prescribed in the Dallas Development Code. This undisturbed area shall be surveyed and protected through deed restrictions or other appropriate means, prior to development approval.

Finding: This policy is implemented by Dallas Development Code, Chapter 2.8, which will require delineation of the top of bank and protection of required setback prior to development approval.

Policy 4.1.2 – Dallas will encourage the development of an integrated trail system to provide recreational opportunities and to link open space and park areas through the planned development process.

Finding: The Dallas Comprehensive Plan, Transportation System Plan, and Parks Master Plan have established plans for the Rickreall Creek Trail, which includes a segment on the subject property. Staff refer to the response provided to Policy 4.4.4 in this report for findings.

Policy 4.1.3 – Rickreall and Ash Creeks shall be protected from pollution.

Finding: Storm drainage from the subsequent development of the subject property will be discharged into Rickreall Creek. The applicant has stated that their "storm water management will be engineered and approved by the city prior to and with any development of the property." Staff finds that the applicant's proposal to change the land use designation (from Industrial to Residential) has no bearing on the ability to protect Rickreall Creek from pollution. As previously mentioned in this report, development of the site is not the matter of consideration before the Planning Commission.

Policy 4.1.4 – Steeply-sloped areas shall be preserved in their natural state to the maximum extent possible through hillside development standards in the Dallas Development Code.

Finding: The site is bordered to the south and west by steep slopes, identified in DOGAMI maps as being slopes of moderate landslide risk. Impacts of proposed development will be examined at time of development review.

Policy 4.1.5 – Identified scenic, recreational, or historic sites shall be protected to the maximum extent possible through clear and objective standards in the Dallas Development Code.

Finding: Scenic or historic sites (recognized by Goal 5 resource or otherwise) are not found on the subject property. The Rickreall Creek Trail is identified as a future recreational resource; for further discussion and findings on this topic, staff refer to and incorporate the findings as provided in response to Policy 4.4.4 of this staff report.

Policy 4.1.6 – The City shall seek state funding to conduct a “Local Wetlands Inventory.” Wetlands identified on that inventory shall be fully protected unless the economic, environmental, social and energy consequences of allowing conflicting uses have been fully examined in accordance with OAR Division 23, and incorporated into the Dallas Comprehensive Plan.

Finding: Staff observe policy 4.1.6 to specifically refer to the Local Wetland Inventory (LWI) which the city has not adopted. Specific to the subject site, staff notes that the applicant has provided a wetland evaluation from Zion Natural Resources Consulting dated December 3, 2018, as part of CPA / ZMA materials. This evaluation found no wetlands on the property outside the ordinary high water line for Rickreall Creek.

Applicable policies under 4.4. – Specific Park Needs.

Of the five policies listed under the title of “Specific Park Needs” staff finds Policy 4.4.4 (cited below) to be applicable in consideration of the applicant’s Creek Trail map amendment proposal.

Policy 4.4.4 – In order to meet the passive recreational needs (the opportunity to picnic, stroll, or simply sit and enjoy pleasant surroundings) the plan proposes the establishment of a Rickreall Creek Trail connecting (at a minimum) the City Park to the proposed East Dallas Community Park. Eventually the trail might form a segment of a regional trail system connecting the Coast Range to the Willamette River.

Finding: The Dallas Comprehensive Plan, Transportation System Plan, and Parks Master Plan have established plans for the Rickreall Creek Trail, which includes a segment on the subject property. The applicant’s narrative notes that there is a discrepancy in the exact alignment of the trail with regards to Tax Lot 100 (365 SE Academy).

Further, the applicant's narrative states that existing development on Tax Lot 100 precludes a trail as shown on the Comprehensive Plan map unless and until Tax Lot 100 redevelops, and that therefore the alignment in the Transportation System Plan is preferable. The applicant's narrative then proposes a third alternative, which is to route the trail further away from the creek.

Staff reads Policy 4.4.4 to provide direction in developing a future trail system that is connected with the creek and is therefore to be located in close proximity to the creek. Staff observe how the applicant's proposal would locate the trail away from the creek and onto city streets. Staff is also not persuaded by the applicant's analysis and reasons given for proposing an alternative trail route. Specifically, staff does not view the applicant's trail map alternative to provide the same opportunity "*to picnic...or simply sit and enjoy pleasant surroundings,*" as Policy 4.4.4 describes. As Policy 4.4.4 envisions a creek trail to meet passive recreation needs, staff observe the natural area that surrounds Rickreall Creek to be most appropriate for providing this need.

Staff also notes that Comprehensive Plan Volume II Chapter 4.2.1.4 (Greenways) specifically links the purpose of the trail to the preservation of Rickreall Creek and its resources "*for the continued enjoyment of Dallas residents,*" a purpose which is also not served by an alternative on-street route. For the reasons as explain above, staff does not find in support of the applicant's proposal to adjust the Creek Trail Map designation as part of the CPA application.

Comprehensive Plan Chapter 7 – Public Facilities Plan:

Of the policies listed under Chapter 7, staff finds Policy 7.2.3 (cited below) to be applicable in consideration of the applicant's Q-J map amendment proposal.

Policy 7.2.3 – Prior to annexation, zone change or development approval, the City must make an affirmative determination that adequate sanitary sewer, water, storm drainage, transportation and park services are available to service the area to be annexed or rezoned, or the site to be developed.

Finding: This policy is implemented by DDC 4.7.030.B.3 (Criterion No. 3) which requires such a determination, and is provided herein, consistent with this policy. Staff incorporate the response provided herein for a finding that supports Policy 7.2.3 (above).

Conclusion: Criterion No. 2 is partially satisfied with staff able to find in support of applicant's land use amendment proposal. Given the above information and that found in the application materials, staff conclude the proposed change from Industrial to Residential (RM) is consistent with the Comprehensive Plan. Given the above information and that found in the application materials, staff concludes the proposed change to the Creek Trail is not consistent with the Comprehensive Plan.

CRITERION:

DDC 4.7.030.B.3: The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period.

Finding: Public Facilities – There is an existing six-inch water line in SE Academy Street, and 18-inch sanitary sewer line traversing the subject property, both with adequate capacity to serve a residential development. There is no storm line serving the property, and storm drainage would discharge directly to Rickreall Creek. Staff notes that the Dallas Development Code requires new development to detain storm water on-site and attenuate to pre-development levels.

Finding: Public Services – Existing city services, including fire and police protection, have adequate capacity to serve a development of the subject property.

Finding: Transportation Networks – The applicant's Transportation Planning Rule (TPR) analysis projected 627 Average Daily Trips as the theoretical maximum generated by the site. Staff finds that, with appropriate site improvements at time of development, the transportation system will have adequate capacity to serve a development of the subject property

Conclusion: It can be found that the property and affected area are or can be served with adequate public facilities and services, and that this criterion is satisfied.

CRITERION:

DDC 4.7.030.B.4 The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application.

Finding: Staff finds that the proposed change from Industrial to Residential is in the public interest as the subject property would be difficult to develop with industrial uses due to the challenges of truck access and required setback buffers from residential land on three sides of the property. Changing this property to residential does not reduce the availability of 20-acre parcels suitable for development of industrial parks, but would reduce the amount of surplus industrial land while increasing the amount of land zoned Medium Residential Density (RM). While the HNA of 2019 is not relevant in review of rule compliance, staff observe how the HNA of 2019 identified a 22 acre deficit in RM zoned land.

Staff finds the proposed zone change to RM is in the public interest by being consistent with the existing residential development to the west, which is already zoned as RM, and by increasing the amount of needed medium density residential land.

Staff finds the proposed change to the Creek Trail is not in the public interest, as it does not facilitate the purpose of preserving Rickreall Creek “for the continued enjoyment of Dallas residents,” by creating a trail with “the opportunity to picnic...or simply sit and enjoy pleasant surroundings.” as policy 4.4.4 describes (in part).

Conclusion: For the reasons as stated above, staff conclude that the applicant's CPA / ZMA (as pertain to land use from Industrial to Residential) is in the public interest. With respect to the Trail Map alternative, given that portions of the proposal appear to be in conflict with stated policies and goals, staff concludes that the Trail Map change is not in the public interest - to the extent that the change moves the Rickreall Creek Trail further away from Rickreall Creek.

CRITERION:

DDC 4.7.030.B.5 The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.

Finding: The Transportation Planning Rule implements Statewide Planning Goal 12, and is discussed above under Goal 12 on page 6 of this staff report and in the applicant's traffic analysis.

Conclusion: The amendment can conform to the provisions of the Transportation Planning Rule, so this criterion can be met.

ACTION BY PLANNING COMMISSION IS RECOMMENDATION TO CITY COUNCIL

As previously stated, the Planning Commission is to forward a recommendation to the City Council for a decision. As the decision is not before the Planning Commission, staff observe Section 4.1.040.G, titled *Appeal to City Council*, to be irrelevant as the appeal procedure specifically refers to a decision and not a recommendation. Accordingly, following the Planning Commission action for recommendation, staff will issue notice of a public hearing to be held before the City Council (date TBD). Public notice is expected to describe the Q-J Map Amendment proposal and indicate the Planning Commission recommendation as part of the record.

PUBLIC WRITTEN TESTIMONY – RECEIVED TO THE DATE OF THIS REPORT

Staff acknowledge the following written comments received in response to public notice. These are provided as exhibits to this report (**Exhibit C 1-4**). Staff also note that all written comments raised concerns about the applicant's proposed change to the Creek Trail Map.

Written comments were received from the following owners / residents (last names):

1. Newcomb at 473 SE Walnut Avenue;
2. McCullough at 461 SE Walnut Avenue;
3. Pauls at 505 SE Mill Street; and
4. Derouin at 497 SE Walnut Avenue.

RECOMMENDED MOTION:

Staff recommend these two separate motions and actions in the order shown (one in response to the CPA application and one in response to the ZMA).

For case file CPA-20-01: “I move to recommend that the City Council approve the applicant’s Quasi-Judicial Comprehensive Plan land use map amendment as proposed. I also move to recommend that the City Council deny that part of the applicant’s CPA proposal that identifies relocation of the Creek Trail map designation to the same map.

For case file ZC 20-1: “I move to recommend that the City Council approve the applicant’s Quasi-Judicial Zoning Map amendment as proposed.”

EXHIBITS:

Exhibit A – Exhibits submitted by applicant

1. Applicant’s written statement, response to approval criteria, prepared by Trahan Consulting, LLC, dated March 18, 2020.
2. Applicant’s Zone Change Map Multi-Tech Engineering Services.
3. Applicant’s Concept Development Plan Multi-Tech Engineering Services, Inc.
4. Applicant’s Transportation Planning Rule Memorandum Associated Transportation Engineering and Planning, Inc. (ATEP)
5. Applicant’s Floodplain Memorandum WEST Consultants, Inc.
6. Letter of Map Amendment (LOMA) Federal Emergency Management Agency (FEMA)
7. Applicant’s Wetland and Endangered Species Memorandum Zion Natural Resources Consulting, LLC
8. Conceptual Plan, received June 2, 2020 that shows a conceptual street layout in concert with the proposed alternative creek trail route

Exhibit B - Exhibits submitted by staff

1. Maps (available at hearing date) showing the applicant’s Q-J map amendment proposals: 1) to the Dallas Comprehensive Plan Map (change in designation from Industrial to Residential and change in Creek Trail map location) and 2) the Dallas Zoning Map (change from Industrial to Residential Medium Density (RM)).
2. Public Notice Map

Exhibit C - Exhibits submitted via public testimony (written comments)

1. Newcomb at 473 SE Walnut Avenue; 2. McCullough at 461 SE Walnut Avenue;
3. Pauls at 505 SE Mill Street; and 4. Derouin at 497 SE Walnut Avenue.